

DECISION

25392
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-211931**DATE:** June 8, 1983**MATTER OF:** Parkway Fabricators**DIGEST:**

A responsive bidder's ability to meet the solicitation's requirements is a matter of responsibility, and GAO will not review an agency's affirmative determination of responsibility except when a protester shows possible fraud on the part of the contracting officer or misapplication of definitive responsibility criteria.

Parkway Fabricators protests the award of a contract by the Naval Surface Weapons Center under solicitation No. N60921-83-B-A093 to Morse Diving Equipment Company, Inc. The solicitation is for the production of Mark XII diving suits. Parkway contends that Morse is nonresponsive since it does not own a facility for producing the suits, and the suits will not be produced in a Massachusetts facility as Morse declared. We dismiss the protest.

Whether Morse can meet the solicitation requirements is a matter of responsibility, and we will not review an agency's affirmative determination of responsibility unless the protester shows possible fraud on the part of contracting officials or misapplication of definitive responsibility criteria. See K.P.B. Industrial Products, Inc., B-210445, May 24, 1983, 83-1 CPD _____. The reason is that responsibility determinations are normally based on the subjective business judgment of the procuring officials and are not readily susceptible to reasoned review. Markhurd Aerial Surveys, Inc., B-210108, January 17, 1983, 83-1 CPD 51. Parkway's protest does not fall within either exception; therefore, we will not review the matter.

The protest is dismissed.

F. H. Rancie
for Harry R. Van Cleve
Acting General Counsel

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